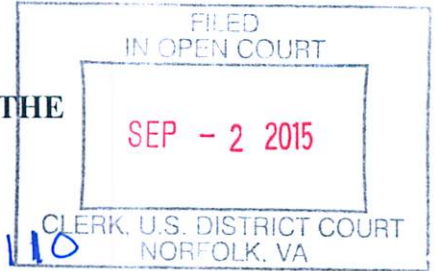


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

JAMES D. WAITES,

Defendant.

) Criminal No: 2:15cr 110
)
) 18 U.S.C. § 1951(a)
) Interference with Commerce by Means of
) Robbery
) (Count 1)
)
) 18 U.S.C. § 924(c)(1)(A)(ii)
) Use of a Firearm during a Crime of
) Violence
) (Count 2)
)
) 18 U.S.C. §§ 924(d)(1) and 981(a)(1)(C)
) Forfeiture Allegation

INDICTMENT

September 2015 Term - At Norfolk

COUNT ONE

(Interference with Commerce by Means of Robbery)

THE GRAND JURY CHARGES THAT:

On or about May 1, 2015, in Portsmouth, Virginia, within the Eastern District of Virginia, the defendant, JAMES D. WAITES, did unlawfully obstruct, delay and affect commerce, as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant, did unlawfully take and obtain personal property consisting of approximately \$85.00 in U.S. currency, and a cash register drawer valued at approximately \$350.00, both of which belonged to Family Dollar, a store, located at 3400 George Washington Highway, from the person of and in the presence of

employees, against the employee's will by means of actual and threatened force, violence, and fear of injury, immediate and future, to said employee.

(In violation of Title 18, United States Code, Sections 1951(a).)

COUNT TWO

(Use of a Firearm during a Crime of Violence)

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 1, 2015, in Portsmouth, Virginia within the Eastern District of Virginia, the defendants, JAMES D. WAITES did knowingly and unlawfully use, carry and brandish a firearm, during and in relation to a crime of violence for which he may be prosecuted in a court of the United States, namely: interference with commerce by means of robbery, in violation of Title 18, United States Code, Sections 1951(a), as set forth in Count One of this indictment, which description of said crime of violence is re-alleged and incorporated by reference as if set forth in full herein.

(In violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii).)

FORFEITURE ALLEGATION

THE GRAND JURY FURTHER ALLEGES THAT:

1. The defendant, if convicted of the violation alleged in Count One of this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal Rule of Criminal Procedure 32.2, any property, real or personal, which constitutes or is derived from proceeds traceable to the violation.
2. The defendant, if convicted of either of the violations alleged in Counts One or Two of this Indictment, shall forfeit to the United States, as part of the sentencing pursuant to Federal

Rule of Criminal Procedure 32.2, any firearm or ammunition involved in or used in any violation.

3. If any property that is subject to forfeiture above, as a result of any act or omission of the defendant, (a) cannot be located upon the exercise of due diligence, (b) has been transferred to, sold to, or deposited with a third party, (c) has been placed beyond the jurisdiction of the Court, (d) has been substantially diminished in value, or (e) has been commingled with other property that cannot be divided without difficulty, it is the intention of the United States to seek forfeiture of any other property of the defendant, as subject to forfeiture under Title 21, United States Code, Section 853(p).

(Pursuant to Title 18, United States Code, Sections 924(d) and 981(a)(1)(C) by Title 28, United States Code, Section 2461(c).)

United States v. James D. Waites
Criminal No. 2:15cr 116

Sealed Pursuant to the
E-Government Act of 2002

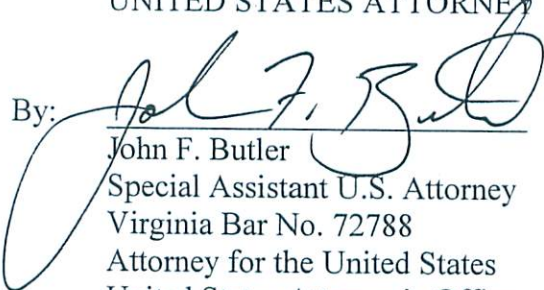
A TRUE BILL:

REDACTED COPY

FOREPERSON

DANA J. BOENTE
UNITED STATES ATTORNEY

By:


John F. Butler
Special Assistant U.S. Attorney
Virginia Bar No. 72788
Attorney for the United States
United States Attorney's Office
101 West Main Street, Suite 8000
Norfolk, VA 23510
Office Number - 757-441-6331
Facsimile Number - 757-441-6689
E-Mail Address – john.f.butler@usdoj.gov